

Atty. Dkt. No. 077319-0225

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Ralph M. ELLISON et al.

Title: COMPOSITIONS AND METHODS FOR THE TREATMENT OF
PRIMARY AND METASTATIC NEOPLASTIC DISEASES USING
ARSENIC COMPOUNDS

Appl. No.: 09/173,531

Filing Date: 10/15/1998

Examiner: J. Pak

Art Unit: 1616

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

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RELEVANCE OF EACH DOCUMENT

Any document listed on the attached PTO/SB/08 was cited as being relevant during the prosecution of the corresponding European applications. A copy of each of the European Search Reports is attached setting forth the portion of each document considered relevant by the examiners. An English-language counterpart of the foreign-language documents has not been provided. The absence of a translation or an English-language counterpart document does not relieve the PTO from its duty to consider any submitted document (37 CFR §1.98 and MPEP§609).

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

FEE

A fee in connection with submission of a supplemental information disclosure statement under 37 CFR §1.97(c) in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date

11 May 2004

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| INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | Application Number | 09/173,531 |
| | | Filing Date | 10/15/1998 |
| Date Submitted: May 11, 2004 (use as many sheets as necessary) | | First Named Inventor | Ralph M. ELLISON |
| | | Group Art Unit | 1616 |
| Sheet 1 of 2 | | Examiner Name | J. Pak |
| | | Attorney Docket Number | 077319-0225 |



| U.S. PATENT DOCUMENTS | | | | | | |
|-----------------------|--------------------------|----------------------|---|--|--|--|
| Examiner Initials* | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number | Kind Code ² (if known) | | | |
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| FOREIGN PATENT DOCUMENTS | | | | | | | | |
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| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Documents | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
| | | Office ³ | Number ⁴ | Kind Code ⁵ (if known) | | | | |
| | | | FR 2 699 820 | | Eric PICHOT | 12/24/1992 | | |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|--------------------------|--|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ⁶ |
| | | International Search Report | |
| | | Matthew BLOCK et al., "Biological Studies with Arsenic IV. The Histopathologic Effect of Arsenic Upon the Hematopoietic Tissues of Patients with Leukemia", The Journal of Laboratory and Clinical Medicine, Vol. 41, No. 4, 4/1953, pp. 499-515. | |
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| Examiner Signature | Date Considered |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

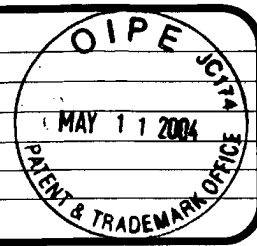
¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ⁶ |
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| | | Edward B. SILBERSTEIN, "Radio nuclide Therapy of Hematologic Disorders", Seminars in Nuclear Medicine, vol. 9, no. 2, 4/1979, pp. 100-107. | |
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